



HISTORY OF THE NOTARIES SOCIETY

The Notaries Society is the organisation which represents approximately 900 Notaries or Notaries Public in England and Wales. Membership of the Society is open to all Notaries in England and Wales and to other Notaries whose Faculty is derived from the Court of Faculties.

The Society was founded in 1882 and was incorporated in 1907. Notaries have practised under the authority of the Archbishop of Canterbury since 1553 as a result of the Ecclesiastical Licenses Act 1533 and have been regulated by one of the oldest courts in England, the Court of Faculties, which is presided over by the highest ecclesiastical Judge, who is often a Judge of the High Court of England and Wales.

NOTARIES: THE OLDEST BRANCH OF THE LEGAL PROFESSION

Notaries in England and Wales form the third and oldest branch of the legal profession in the United Kingdom. Their origin can be traced back to the times of the occupation of Britain by the Romans. Just like Notaries in countries with Civil Law jurisdictions, Notaries in England and Wales carry out all kinds of non-contentious legal work. They are effectively Civil Law Lawyers or Notaries practising in a Common Law Jurisdiction and a bridge between the Civil Law Jurisdictions and the Common Law Jurisdiction of England and Wales.

QUALIFYING AS A NOTARY PUBLIC IN ENGLAND AND WALES

In order to qualify as a Notary one must have a University degree and pass the Postgraduate Diploma in Notarial Practice, Roman Law and International Private Law provided by Cambridge University. Once the potential Notary has passed this postgraduate diploma, he or she may petition the Court of Faculties for a "Faculty."

A "Faculty" grants a Notary his/her authority to practice. This is followed by two years supervision under an experienced Notary and only when this is satisfactorily completed is it possible to practice without supervision. Notaries are required to have full professional indemnity and fidelity insurance.

The Faculty Office regulates Notaries. For further information visit the website:

www.facultyoffice.org.uk

WHAT DOES A NOTARY DO IN ENGLAND AND WALES?

A Notary prepares Notarial Acts, including Authentic Acts, mainly being documents executed in England and Wales for use everywhere in the world. This includes drafting, reviewing and explanation of legal documents for use outside the UK.

There are two basic types of Notarial Act; those in private form and those in Public form, which are Authentic Acts/Instruments.

The private form is when a Notary annexes a Notarial Certificate by way of authentication of a document and its contents thus converting it into a Notarial Act.

The Public Form is an Authentic Act/Instrument drafted by the Notary, which will include verification of identity, legal capacity and understanding of the

document and awareness of the contents, confirming authority to enter into the transaction eg. in the case of a corporate body and also authenticating the contents after verifying the same.

Notaries are authorised and empowered to carry out and do carry out all types of legal work carried out by solicitors, other than contentious work. This is a similar situation to that of the Notary in Civil Law jurisdictions. Accordingly Notaries deal with conveyancing, probate and Wills and all other types of non-contentious commercial and private legal work.

THE ROLE OF NOTARIES IN HELPING BUSINESS AND CITIZENS

Notaries have had their Notarial Acts recognised worldwide for centuries and this, indeed, has permitted citizens and businesses to circulate freely. In this way Notaries facilitate commerce and the life for the ordinary citizen as Notarial Acts enable them to go about their daily lives and business freely at reasonable cost and without undue delay.

THE ROLE OF THE NOTARIES SOCIETY

The Notaries Society has an extensive role and this includes education, continuing professional development and International representation and also the development of professional rules. The Notaries Society is run by its Council of approximately 25 members headed by the President. There is also a Secretary in charge of the administration and an Education Officer.

The Notaries Society
Old Church Chambers
23 Sandhill Road
St James
Northampton NN5 5LH

Website: www.thenotariessociety.org.uk



THE OFFICIAL SEAL OF THE NOTARY

A Notary holds an official seal and Notarial Acts in England and Wales have probative force. Notarial Acts under the signature and seal of a Notary are recognised as evidence of a responsible official legal officer in all countries of the world. The Civil Procedure Rules of the Supreme Court of Judicature of England & Wales – rule 32.20 provide that “A Notarial Act or Instrument may be received in evidence without further proof as duly authenticated in accordance with the requirements of the law unless the contrary is proved”

Notaries Public have been appointed by legal authority in England and Wales since the thirteenth century. The Ecclesiastical Licences Act 1533, created the Court of Faculties of the Archbishop of Canterbury, which is the oldest Court in England. The Court has the power to appoint Notaries Public acting through its president, the Master of the Faculties. The Courts and Legal Services Act 1990 and The Legal Services Act 2007 confirm these powers of the Master. As officers of the law and holders of the Public Office of the Notary Public, the duties of Notaries Public are wide ranging and include the preparation and drawing up of private and public Authentic Acts and Instruments under their signatures and official seals, which are accepted and recognised throughout the world.

The fact that Notaries in England and Wales are public officials is also made absolutely clear by their full titles of Notaries Public or Public Notaries in various Acts of Parliament.

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The Notaries Society of England
and Wales

Founded 1882

English Version

The Notaries Society
Company Registered Number No. 0093175
Registered in England and Wales